

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD LIONEL DYSON,) CASE NO. C05-1500-MJP
Petitioner,)
v.)
REED HOLTGEERT,) ORDER DISMISSING § 2254
Petition WITHOUT PREJUDICE
Respondent.)
)

The Court, having reviewed petitioner's petition for writ of habeas corpus, respondent's answer thereto, the Report and Recommendation of Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's federal habeas petition and this action are DISMISSED, without prejudice, for failure to exhaust state remedies; and,
- (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent, and to Judge Theiler.

DATED this 27th day of February, 2006.



Marsha J. Pechman
U.S. District Judge

ORDER DISMISSING § 2254 PETITION
WITHOUT PREJUDICE
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